IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

AND
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO.2044 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 08/10/2004 in WPMP.No.23851 of 2004 in WP No.18155 OF 2004 on the file of the High Court.)

Between:

1 Y. Ahmad Basha S/o Y. Khasim sab
Aided Arabic High School, Uravakonda, Anantapur District
2 S. Abdul Khader Jelani S/o S. Shaikusab,
Aided Arabic High Schoo, Uravakonda, Anantapur District
3 S. Shabbir Ahmed S/o S. Mahamood Sab
Aided Arabic High Schoo, Uravakonda, Anantapur District
4 A.Veeranarayana Swamy S/o A. Naganna
Aided Arabic High Schoo, Uravakonda, Anantapur District
5 H.Md. Amanulla S/o H. Hussain Peera
Aided Arabic High Schoo, Uravakonda, Anantapur District
6 The Aided Arabic High School, rep by Correspondent

D.B. Zeelan S/o Babu sab, Uravakonda, Anantapur District.

..... APPELLANTS

AND

1. The State of A.P., rep by its Secretary, Education Department, Secretariat Buildings, Hyderabad

2. The Commissioner & Director of School Education, A.P. Hyderabad.

3. The District Educational Officer, Anantapur, Anantapur District.

.....RESPONDENTS

Counsel for the Appellants: MR. KASA JAGANMOHAN REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR EDUCATION

The Court at the admission stage made the following Order: (per TMK,J).

The present writ appeal is filed against the order passed by a learned single Judge of this Court in WPMP.No.23851 of 2004 in W.P.No.18155 of 2004, dated 08.10.2004.

Heard the learned Government Pleader for Education.

The appellants herein filed the above WPMP seeking suspension of the order of the first respondent dated 22.07.2004 and consequential order of the third respondent dated 24.07.2004.

The learned single Judge of this Court dismissed the above WPMP holding that in pursuance of the orders of respondents 1 and 3, the selection list is no more in force and unless and until it is held that those orders are illegal, petitioners 1 to 5 cannot be treated as selected candidates.

We are not in agreement with the observation made by the learned single Judge of this Court in view of the fact that the main writ petition itself is pending. Taking into consideration the submission made by the learned counsel for the appellants that the appellants have already joined the service on 19.07.2004, it would suffice, if a direction is issued to the third respondent to continue the appellants subject to the result of the writ petition.

Accordingly, the writ appeal is allowed setting aside the order of the learned single Judge of this Court in WPMP.No.23851 of 2004 in W.P.No.18155 of 2004, dated 08.10.2004.

The Registry is directed to post the writ petition for final hearing in the first week of February, 2005.

_____

T.MEENA KUMARI,J

29-12-2004

_____

S.ANANDA REDDY,J

Lvl/usd

To

1. The Secretary, State of A.P., Education Department, Secretariat Buildings, Hyderabad
2. The Commissioner & Director of School Education, A.P. Hyderabad.
3. The District Educational Officer, Anantapur, Anantapur District.
4. Two CCs to G.P. for Education, High Court of A.P., Hyderabad(OUT).
5. Two CD copies.